

Virginia Regulatory Town Hall Agency Background Document Notice of Intended Regulatory Action (NOIRA)

Agency Name: Department of Social Services
VAC Number: 22 VAC 40-900-10
Regulation Title: Community Services Block Grant Guidelines
Action Title: Repeal
Date: 07/19/99

Basis:

Chapter 39 2.1-587 et seq. Code of Virginia gives broad authority to promulgate rules and regulations for the administration of the Community Services Block Grant Program. For a couple of issues, requirement for matching funds, and the detail of funding disbursements, the rulemaking is mandatory. The existing regulation is far broader than what is required for this program. The federal Community Services Block Grant Act has been changed and reauthorized at least twice since these regulations were promulgated. The most recent reauthorization was in October, 1998 (P. L. 105-285).

Purpose:

The regulation was intended to provide guidance for the transition from federal to state administration of the Community Services Block Grant program and to provide rules for the administration of the program. The regulation covers areas, that while permitted by the broad authority granted in the state statute, are now unnecessary and in some instances, the information contained is obsolete. Most of the regulation is not essential to protect the health, safety or welfare of citizens, or for the efficient and economical performance of an important governmental function. In particular, the regulation goes into detail on how and when each agency would move from federal to state oversight. This happened over sixteen years ago. Some of those agencies no longer exist others have changed names. The regulation also describes board composition. This is covered in detail in both the federal and state law.

Substance:

This regulatory action will repeal the existing regulations for the Community Services Block Grant Program. The regulation contains the process to help transition from federal to state administration of the Community Services Block Grant Program. This was accomplished over sixteen years ago. In addition, the regulation contains rules for

board structure, contracting, insurance, fiscal management and by-laws construction, among other topics. This regulation was based on federal law that has since changed, making the terminology and references obsolete. Many of the areas addressed by this regulation are covered by current federal and state law and state contract and do not require regulations. There is an accompanying package proposing new regulations that will address the minimum regulations required by law or needed to protect the health, safety or welfare of citizens, or for the efficient and economical performance of the governmental functions carried out in the operation of this program.

Alternatives:

Review of the regulations and federal and state law revealed that broad authority exists to create regulations but they are required to address only a couple of issues. The federal law covering the administration of the Community Services Block Grant is very specific regarding most areas addressed by these regulations. The Department feels that through training and technical assistance, the local community action agencies can be made aware of its provisions. In addition, specific requirements for the local community action agencies are spelled out in their contracts with the State. Based on the recent regulatory review, processes other than extensive regulations can be used to achieve the same purpose.